

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

CLEVEN LEWIS ROBERSON,
Plaintiff-Appellant,

v.

KENNETH S. APFEL, Commissioner of
Social Security Administration,
Defendant-Appellee.

No. 00-1880

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Marvin J. Garbis, District Judge.
(CA-99-3544-MJG)

Submitted: October 26, 2000

Decided: November 6, 2000

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Cleven Lewis Roberson, Appellant Pro Se. Lynne Ann Battaglia,
United States Attorney, Allen F. Loucks, OFFICE OF THE UNITED
STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION**PER CURIAM:**

Cleven Lewis Roberson appeals the district court's dismissal without prejudice of his petition for judicial review of the denial of disability benefits. We affirm.

Roberson applied to the Social Security Administration ("SSA") for disability benefits. After an administrative law judge denied relief, Roberson sought review by the SSA's Appeals Council. After waiting seven months for a decision by the Council, Roberson filed for judicial review. The district court dismissed, ruling it could not review an SSA action without a final decision by the Appeals Council. This decision was correct. *See Sims v. Apfel*, 120 S. Ct. 2080, 2083 (2000).

In addition to challenging the denial of benefits, Roberson asserts on appeal that the district court and the SSA attorneys conducted themselves improperly. He cites only one example of such alleged impropriety: the district court's allowing the SSA sixty rather than twenty days to answer Roberson's complaint. In fact, Fed. R. Civ. P. 12(a)(3) establishes a sixty-day deadline for federal agencies to file answers. Thus, we find no support for Roberson's allegations of impropriety.

Accordingly, we affirm the judgment of the district court. Furthermore, we deny Roberson's motions for "enforcement of an agency order" and for default judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED